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**Introduced by Senator Hertzberg**

February 18, 2016

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An act to amend Section 1101.3 of the Civil Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1173, as introduced, Hertzberg. Water-conserving plumbing fixtures.

Existing law requires the replacement of plumbing fixtures that are not water conserving, defined as “noncompliant plumbing fixtures,” in residential and commercial real property built and available for use on or before January 1, 1994, as specified. Existing law defines “commercial real property,” “multifamily residential real property,” and “water-conserving plumbing fixture” for purposes of these provisions.

This bill would amend the definition of specified noncompliant plumbing fixtures to lower water usage thresholds.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1101.3 of the Civil Code is amended to
- 2 read:
- 3 1101.3. For the purposes of this article:
- 4 (a) “Commercial real property” means ~~any~~ real property that is
- 5 improved with, or consisting of, a building that is intended for
- 6 commercial use, including hotels and motels, that is not a

1 single-family residential real property or a multifamily residential  
2 real property.

3 (b) “Multifamily residential real property” means ~~any~~ real  
4 property that is improved with, or consisting of, a building  
5 containing more than one unit that is intended for human habitation,  
6 or any mixed residential-commercial buildings or portions thereof  
7 that are intended for human habitation. Multifamily residential  
8 real property includes residential hotels but does not include hotels  
9 and motels that are not residential hotels.

10 (c) “Noncompliant plumbing fixture” means any of the  
11 following:

12 (1) Any toilet manufactured to use more than ~~1.6~~ 1.28 gallons  
13 of water per ~~flush~~. *flush and does not have a waste evacuation*  
14 *score of 350 grams or more, except a toilet designed for a prison*  
15 *or mental health facility.*

16 (2) Any urinal manufactured to use more than ~~one gallon~~ 0.125  
17 gallons of water per ~~flush~~. *flush, except a urinal designed for a*  
18 *prison or mental health facility.*

19 (3) Any showerhead manufactured to have a flow capacity of  
20 more than 2.5 gallons of water per minute.

21 (4) ~~Any interior~~ *A residential lavatory* faucet that emits more  
22 than ~~2.2~~ 1.2 gallons of water per minute.

23 (5) *A kitchen faucet that emits more than 1.8 gallons per minute,*  
24 *except that the faucet may have the capacity to increase to 2.2*  
25 *gallons per minute momentarily for filling pots and pans.*

26 (6) *A public lavatory faucet that exceeds 0.5 gallons per minute.*

27 (d) “Single-family residential real property” means any real  
28 property that is improved with, or consisting of, a building  
29 containing not more than one unit that is intended for human  
30 habitation.

31 (e) “Water-conserving plumbing fixture” means any fixture that  
32 is in compliance with current building standards applicable to a  
33 newly constructed real property of the same type.

34 (f) “Sale or transfer” means the sale or transfer of an entire real  
35 property estate or the fee interest in that real property estate and  
36 does not include the sale or transfer of a partial interest, including  
37 a leasehold.